

SUMMARY OF COMMENTS

TECHNICAL RULES

480-120-046, 051, 076, 091, 096, 126, 131, 151, 152, 153,
340, 350, 500, 505, 510, 515, 520, 525, 530, 535, X05, X05.5, X06, X08, X16, X17
UT-990146

Chapter 480-120 - Telephone Companies

April 13, 2000

WAC/Issue	Interested Person	Comment	Staff Response
WAC 480-120-046 Service offered.			
Section (2) Types of service. Local exchange companies must offer, at a minimum flat- rate service. They may offer service alternatives, such as measured service.	Sprint	Insert "Local" after "flat-rate." Add "basic local exchange" to (2).	Staff agrees - "local" will be added.
(3) Grade of service. Local exchange companies must offer only one-party service.	U S WEST	Companies should not be limited to "only" one-party service offerings. There are customers who still desire multi-party service.	Staff will discuss at the 4/18 stakeholder workshop.

WAC/Issue	Interested Person	Comment	Staff Response
WAC 480-120-051 Availability of service - Application for and installation of service.			
General comment.	Public Counsel	<p>All telecommunication companies should be required to provide written confirmation of a service agreement's key contractual terms. At the customer's election that information could be supplied electronically. Customers should be permitted to cancel service without charge if the service delivered do not match what was promised. This will foster increased competition as additional telecommunications companies begin to compete in Washington to provide local service. PC supports the uniform establishment of specific scheduling obligations with customer compensation for failure by a company to meet its commitments (whether they be scheduled appointments, level of service, or a lack of any service at all). When a company is unable to provide a timely hook-up, temporary cellular service should be provided free of charge or the customer should receive a significant account credit. PC recognizes the possibility that overly costly service quality guarantees could have a negative competitive impact on the decisions of companies considering entering a local market as a CLEC.</p>	Staff will discuss this at the 4/18 stakeholder workshop.

WAC/Issue	Interested Person	Comment	Staff Response
WAC 480-120-051 Availability of service - Application for and installation of service.			
<p>Section (3) Section (5) Each local exchange company must complete orders for local service access lines as follows: (a) Ninety-five percent of all orders for installation of up to five exchange access lines in any exchange must be completed within five business days of the application when all tariff or price list requirements have been met by the applicant for service or customer.</p>	<p>ATT/MCI</p> <p>NEXTLINK</p> <p>U S WEST</p> <p>WITA</p>	<p>CLECs cannot satisfy many of these standards if the incumbents do not meet or exceed these standards for the facilities provided to competitors.</p> <p>CLECs cannot complete 95% of access line orders within five business days when using unbundled network elements if the ILECs do not provision those UNEs in substantially less than five business days. Retail service quality standards are subject to the same concerns that CLEC compliance will depend in large measure on how the ILEC provisions network facilities to competitors. CLEC's cannot satisfy many of these standards if the ILECs do not meet or exceed these standards with respect to the facilities they provide to competitors.</p> <p>Clarifying language is necessary with regard to applications for service. Should apply to applications for "primary exchange access" service. Primary service should be one residence or first two business lines only. Delete (5)(a-d) in their entirety. Competition will drive timely and efficient completion of installation of service orders. Any service measurement, whether on an average due date basis or on a percentage basis, should not apply in today's market.</p> <p>WITA comments to be submitted.</p>	<p>Staff disagrees. This issue has been raised in other rulemakings and the Commission has determined that CLECs must be responsible to their customers. This issue should be raised in the carrier to carrier rulemaking.</p> <p>Staff disagrees. The Commission does not believe at this time that effective competition exists in Washington.</p>

WAC/Issue	Interested Person	Comment	Staff Response
WAC 480-120-076 Underground.			
General comment.	GTE	GTE did not recommend deletion of this rule in its June Comments. GTE believes that this rule remains appropriate. No reason for the deletion is stated in the discussion draft. This issue of undergrounding of utility facilities is important and expensive and should be the subject of a rule that allows carriers to define the terms of undergrounding.	Staff disagrees. Staff would like to discuss suggested changes at the 4/18 stakeholder workshop.
	U S WEST	We commend the staff for its work in deleting this rule - and rules that are no longer necessary in today's environment.	
WAC 480-120-091 Farmer lines			
No comments received.			
WAC 480-120-096 Grounded circuits			
No comments received.			

WAC/Issue	Interested Person	Comment	Staff Response
WAC 480-120-126 Safety.			
General comment.	GTE	Department of Labor and Industries already regulates the telecommunications industry in this area, like other Washington industries. Consistent with Standard 5 of the Governor's Executive Order 97-02, this Commission should not maintain rules where similar regulatory requirements have been promulgated by other agencies.	Staff disagrees. Staff does not believe that the L&I regulations provide the information required by the proposed rule language. Staff will discuss this further at the 4/18 stakeholder workshop.
	U S WEST	Rule should be deleted from this chapter, as the requirements of this rule are governed by L&I.	
	WITA	WITA comments to be submitted.	

WAC/Issue	Interested Person	Comment	Staff Response
WAC 480-120-131 Reports of accidents.			
<p>General comment.</p> <p>Section (g) Where any necessary medical treatment was provided.</p>	<p>GTE</p> <p>Sprint</p> <p>U S WEST</p> <p>WITA</p>	<p>Department of Labor and Industries already regulates the telecommunications industry in this area, like other Washington industries. Consistent with Standard 5 of the Governor's Executive Order 97-02, this Commission should not maintain rules where similar regulatory requirements have been promulgated by other agencies.</p> <p>Outage reporting is addressed in 520, there is no need for a requirement here. "Where any necessary medical treatment was provided" seems to be broader than "accident that results in death or serious injury" referenced in the first paragraph. This rule is typically waived for competitive providers and should apply to utilities rather than all companies.</p> <p>Rule should be deleted from this chapter, as the requirements of this rule are governed by L&I.</p> <p>WITA comments to be submitted.</p>	<p>Staff disagrees. Staff does not believe that the L&I regulations provide the information required by the proposed rule language. Staff will discuss this further at the 4/18 stakeholder workshop.</p>

WAC/Issue	Interested Person	Comment	Staff Response
WAC 480-120-152 Notice and approval required for use of customer proprietary network information (CPNI).			
General comment.	<p>GTE</p> <p>U S WEST</p> <p>WITA</p>	<p>Rule deals with customer proprietary network information. These rules deal with a topic extensively regulated at the federal level pursuant to 47 U.S.C. § 222(f)((1). Since it is clear that the FCC will extensively regulate CPNI, it is inappropriate to maintain state rules that fail to pass the test set out by the standards of the Governor's Executive Order 97-02. A short and simple approach might be to cross-reference federal law (i.e., WAC 480-120-136 which requires companies to adhere to the FCC's record retention requirements).</p> <p>Wait to implement these rules as edited until the FCC completes its CPNI rulemaking process. It is highly unlikely that the FCC will complete its rulemaking soon and remove the need for these rules at the state level. If these rules are adopted, include a disclaimer allowing use of CPNI where authorized by the FCC, Congress or state law and to prevent fraud and abuse. This would promote consistency and coordination of the law.</p> <p>WITA comments to be submitted.</p>	

WAC/Issue	Interested Person	Comment	Staff Response
WAC 480-120-340 Enhanced 911 (E911) Obligations of local exchange companies.			
General comment.	<p>GTE</p> <p>U S WEST</p> <p>WITA</p>	<p>This rule should be deleted because the requirements have been met.</p> <p>Strike this section in its entirety. The requirements have been met. Rule is no longer necessary.</p> <p>WITA comments to be submitted.</p>	Staff disagrees. This rule is necessary for new CLECs who need to know the requirements.

WAC/Issue	Interested Person	Comment	Staff Response
WAC 480-120-350 Reverse search by E911 PSAP of ALI/DMS data base--When permitted.			
<p>Section (2) The administrator of the database must create a record at the time of the reverse search. The record must be created:</p> <ul style="list-style-type: none"> (a) by the local exchange company (LEC) in the data base that is searched; and (b) by the PSAP making the search. <p>(3) A record may be created in a PSAP data base, if the collection and storage of the data are reasonably secure from alteration or deletion. The record must contain the following information:</p> <ul style="list-style-type: none"> (a) the date and time, (b) the number searched, (c) the PSAP, and (d) if feasible, the PSAP agent position from which the reverse search is initiated. <p>(4) A reverse search can be made only if the PSAP makes a record of the search and includes the circumstances requiring the search.</p>	<p>GTE</p> <p>U S WEST</p> <p>WITA</p>	<p>Delete (2) and (4) because only PSAPs are required to keep a record of reverse searches.</p> <p>Only PSAPs are required to keep a record of reverse searches. Delete (2) and (3).</p> <p>WITA comments to be submitted.</p>	<p>Staff agrees that this rule needs additional drafting. (3) will be deleted as well as (4). As for (2), staff will discuss this further at the 4/18 stakeholder workshop.</p>

WAC/Issue	Interested Person	Comment	Staff Response
WAC 480-120-500 Service quality - General requirements.			
General comment.	ATT/MCI	CLECs cannot satisfy many of these standards if the incumbents do not meet or exceed these standards for the facilities provided to competitors.	Staff disagrees. This issue has been raised in other rulemakings and the Commission has determined that CLECs must be responsible to their customers. This issue should be raised in the carrier to carrier rulemaking.
	NEXTLINK	Retail service quality standards are subject to the same concerns that CLEC compliance will depend in large measure on how the ILEC provisions network facilities to competitors. CLECs cannot satisfy many of these standards if the ILECs do not meet or exceed these standards with respect to the facilities they provide to competitors.	
	WITA	WITA comments to be submitted.	
WAC 480-120-500 Service quality - General requirements.			
Section (1) Companies must design, construct, maintain, and operate their facilities to ensure continuity of service, the availability of comparable services, and uniformity in the quality of service furnished.	U S WEST	(1) would essentially mandate complete redundancy of the network. Companies will design, construct, maintain and operate facilities to ensure reasonable continuity of service and uniformity in the quality of service. Should the Commission continue to pursue this proposal, an SBEIS must be prepared.	Staff disagrees. Rule is the same as current rule. No new requirements have been added. US WEST has not explained 'redundancy.'

WAC/Issue	Interested Person	Comment	Staff Response
WAC 480-120-500 Service quality - General requirements.			
<i>Original Rule language:</i> Section (2) Telecommunications companies shall employ prudent management and engineering practices, including reasonable procedures for forecasting demand for service, to ensure that sufficient facilities and an adequate operating force are available to meet reasonable demands under normal operations.	Public Counsel	PC objects to removing the language of existing (2). Companies should be required to continue to engage in prudent management and engineering practices and not merely engage in forecasting activities. It is axiomatic that if forecasting were sufficient to obviate service quality problems, such issues would not now exist in Washington. <u>Suggested language</u> Retain the redacted language of (2).	Staff disagrees. Staff would like to discuss suggested changes at the 4/18 stakeholder workshop. Staff believes that PC's concern is addressed in section (1).
WAC 480-120-500 Service quality - General requirements.			
<i>Original Rule language:</i> Section (3) These rules are not intended to establish a standard of care owed by a telecommunications company to any consumer(s) or subscriber(s).	Sprint	What is the reference point for "comparable?" If the intention is that all services offered must be offered ubiquitously with the same terms and conditions throughout the company's territory, this would be a substantial barrier both to entry and to the offering of new services. Propose not only retaining (3), but moving it to WAC 480-120-011 as indicated earlier in these comments.	Staff disagrees. The reference point of 'comparable' is from the Telecommunications Act.
	U S WEST	We proposed moving this section concerning liability to 480-120-011. This statement applies to all rules in the Chapter and should be stated up front rather than repeated throughout to avoid duplication and for clarity.	Staff disagrees.

WAC/Issue	Interested Person	Comment	Staff Response
WAC 480-120-505 Operator services.			
General comment.	WITA	WITA comments to be submitted.	
WAC 480-120-510 Business offices.			
General comment.	U S WEST	<p>Rule should be deleted in its entirety. It is not necessary to provide a public location for bill payments. In a competitive environment, business office access does not require a percentage of answered calls measurement. Companies should not be required in a competitive marketplace to establish a payment agency in any exchange. Bill payment by mail is not burdensome and is typical for most companies. Alternative methods now exist for customers needing to make an expedited payment. This requirement may have been necessary in the past, it is no longer necessary in today's advanced marketplace.</p> <p>Customers care less about how fast their calls are answered and more about the quality of service they receive.</p>	<p>Staff believes that payment agencies are an essential aspect of provision of telco service, both for regular bill payment for low income customers who do not have checking accounts or credit cards in order to take advantage of "alternative" payment methods and urgent payment, particularly with companies being centralized. Staff is not willing to eliminate requirement.</p> <p>Staff believes customers do care how fast their calls are answered.</p>
	WITA	WITA comments to be submitted.	

WAC/Issue	Interested Person	Comment	Staff Response
WAC 480-120-510 Business offices.			
<p>Section (2) Each company must ensure that:</p> <p>(a) A minimum of ninety-eight percent of all call attempts to the company's business office are answered within twenty seconds either by live company representatives or an automated call system: and</p> <p>(b) Ninety-nine percent of calls that are completed to an automated system and where the customer indicates that they wish to speak to a live representative must be routed to a live representative within one hundred twenty seconds.</p> <p>(c) For purposes of this section, station busies and unanswered calls will not be counted as completed calls.</p>	Public Counsel	PC supports the new provisions of (2) setting benchmarks for telephone answering performance, given the reliance of providers on the telephone as the primary means of customer contact. WA customers' needs for assistance, including telephone inquiries, are best met by company personnel in WA. (2) does not indicate whether the calls to a company's business office should be answered by WA located service personnel or at a national service office.	

WAC/Issue	Interested Person	Comment	Staff Response
WAC 480-120-510 Business offices.			
<p>Section (3) Each local exchange company must establish and maintain payment agencies for receipt of cash and urgent payments. At a minimum, payment agencies required by this rule must clearly post and maintain regular business hours.</p> <p>(a) Exchanges serving over seventy-five thousand access lines must have a minimum of one payment agency within the exchange for every fifty thousand access lines.</p> <p>(b) Exchanges serving twenty-five thousand to seventy-five thousand access lines must have a minimum of one payment agent within the exchange.</p> <p>(c) Local exchange companies serving less than twenty-five thousand access lines must have a minimum of one payment agency.</p> <p>(d) A business office of the company that accepts customer payments can substitute for a payment agency required by this section and be supported by the same personnel as the business office or customer service center.</p>	<p>Sprint</p> <p>Public Counsel</p>	<p>This rule is unduly burdensome, extremely costly, and outdated in today's business environment.</p> <p>It appears that (3)(a) and (b) create a risk that customers who are served by exchanges with between 25,000 and 75,000 access lines would have proportionally fewer payment agencies in their service area than customers served by exchanges with more than 75,000 access lines. This could place rural or semi-rural customers in a further disadvantaged position. <u>Suggested language</u></p> <p>Insert in (1) after the word "centers" the phrase "<u>located in Washington and...</u>"</p> <p>Strike the last sentence of (3) and (a) through (d) and replace it with the following: "<u>Every exchange must have at least one payment agency located within the exchange. Every exchange with more than 25, 000 access lines shall have an additional payment agency located within the exchange for every additional 25,000 access lines or a fraction thereof (example – 25,000 lines = 1 agency, 55,000 lines = 3 agencies, 75,000 lines = 3 agencies, etc.). Payment agencies must be geographically distributed proportionally across the service area of the exchange.</u>"</p>	<p>This requirement is in the current rule.</p> <p>This requirement is in the current rule.</p> <p>(1) of this rule relates to business offices. Staff does not believe that they must be located in WA. Further discussion at the 4/18 stakeholder workshop.</p> <p>(3) of this rule relates to payment agencies. Further discussion at the 4/18 stakeholder workshop.</p>

WAC/Issue	Interested Person	Comment	Staff Response
WAC 480-120-515 Network performance standards.			
<p>Section (5) Each local exchange company must arrange and design incoming trunks to the primary repair service center so that traffic overflows during service interruptions, disasters or emergencies can be redirected or call-forwarded to an alternate repair or maintenance service center location of the local exchange company.</p>	Sprint	<p>This section mandates network redundancy without regard to cost. Language previously contained in 520 addressed this requirement but conditioned it on “where economically and technically feasible.” If the Commission is determined to modify this rule, then Sprint recommends that a separate rulemaking be opened. Network performance standards are of a highly technical nature. Even slight wording changes may have a profound effect on network design and company cost structures. This is quite possibly a very major change that should be debated by subject matter experts so that the Commission has all the facts it needs to make an informed decision.</p>	<p>Staff disagrees. Staff would like to discuss suggested changes at the 4/18 stakeholder workshop.</p>

WAC/Issue	Interested Person	Comment	Staff Response
WAC 480-120-520 Major outages.			
General comment.	GTE	The FCC already has reporting requirements for major outages. <u>See</u> 47 C.F.R. § 63.100. Adopting GTE's approach would minimize regulatory burdens for many carriers which are national in scope, allowing for the development of consistent business practices governed by federal, and derivatively by state law.	Staff disagrees. The rule has been drafted to address those outages that the state requires reported.
	Sprint	Proposed revision eliminate the definition of "major outage." Without the definition, the rule is less clear.	
	U S WEST	Delete this rule entirely. The FCC established procedures in 47-6FR section 63.1000.	
	WITA	WITA comments to be submitted.	

WAC/Issue	Interested Person	Comment	Staff Response
WAC 480-120-525 Network maintenance.			
General comment.	<p>ATT/MCI</p> <p>NEXTLINK</p> <p>WITA</p>	<p>CLECs cannot satisfy many of these standards if the incumbents do not meet or exceed these standards for the facilities provided to competitors.</p> <p>Retail service quality standards are subject to the same concerns that CLEC compliance will depend in large measure on how the ILEC provisions network facilities to competitors. CLECs cannot satisfy many of these standards if the ILECs do not meet or exceed these standards with respect to the facilities they provide to competitors.</p> <p>WITA comments to be submitted.</p>	The concern may be better addressed in the carrier to carrier rulemaking.

WAC/Issue	Interested Person	Comment	Staff Response
WAC 480-120-535 Service quality performance reports.			
General comment.	Public Counsel	Add a new subparagraph (g) to require large LECs to report telephone answering performance under proposed 480-120-510(2).	Staff will discuss this further at the 4/18 stakeholder workshop
	Sprint	The new reporting requirements proposed are excessively burdensome, and will be costly to implement. Sprint does not currently have a program that reports held order data for all service orders, both primary and secondary, held more than five days or more than ninety days, or a program that reports the blocking information outlined in the new language of this rule. Sprint should not be required to report on the blockage in networks not our own.	
	WITA	WITA comments to be submitted.	

WAC/Issue	Interested Person	Comment	Staff Response
WAC 480-120-535 Service quality performance reports.			
<p>Section (3) Local exchange companies with fifty thousand or more access lines must report monthly the information required by (a) through (e) below.</p> <p>(a) Installation appointments met. A report showing the percentage of appointments for the connection of service met on the commitment date. The actual date on which installation was completed will be compared to the applicable commitment date to determine the number of appointments met.</p> <p>(b) Held orders. A report consisting of the number of unfilled orders for exchange access service and including the total number of unfilled orders, the total number of lines in the unfilled orders, and the number of total orders for each central office. The report must identify the number of orders and lines held more than five days and the number of orders and lines held more than ninety days.</p> <p>(c) Major Outages. A report consisting of a description of each major outage and including a statement of the time, cause, extent, and duration of the interruption and, when applicable, a description of preventive actions to be taken to avoid future outages.</p>	U S WEST	<p>(3)(a), consistent with proposed changes in 480-120-051, measure of performance, should be based on commitments met, not appointments.</p> <p>Delete (3)(c).</p>	<p>Staff agrees. Will clarify language in 535(3)(a), remove appointment and replace it with commitment.</p> <p>Staff disagrees.</p>

WAC/Issue	Interested Person	Comment	Staff Response
WAC 480-120-535 Service quality performance reports.			
<p>Section (d) Trouble reports. A report consisting of the number of customers' access lines by exchange experiencing a malfunction in or loss of service. Trouble reports (including repeated reports) must be calculated as a ratio per one hundred lines in service. The report must include an explanation of causes for each exchange that exceeds the service quality standard established in 480-120-525(e). Trouble reports caused by customer provided equipment or inside wiring are not included in this report.</p> <p>(e) Interoffice, intercompany and interexchange trunk blocking. A report consisting of a list of interoffice, intercompany and interexchange trunk groups that exceed the performance standards set forth in 480-120-515(2)(a) and (b). For each trunk group exceeding the standard, the following information must be provided:</p> <p>(i) The peak percent blocking level experienced during the preceding month;</p> <p>(ii) The number of trunks in the trunk group; and</p> <p>(iii) The busy hour when peak blockage occurs.</p>	U S WEST	<p>Delete the reporting requirement to include an explanation of trouble in each exchange that exceeds the state standard. Clarify this section as to the types of trouble excluded from monthly trouble report calculations.</p> <p>Delete (3)(e).</p>	<p>Staff will discuss this further - and clarify the proposed requirement at the 4/18 stakeholder workshop.</p> <p>Staff will discuss this further - and clarify the proposed requirement at the 4/18 stakeholder workshop.</p>

WAC/Issue	Interested Person	Comment	Staff Response
WAC 480-120-X05 Existing facilities - Responsibility for maintenance and reinforcement of existing telecommunications facilities.			
No comments received.			
WAC 480-120-X05.5 Existing facilities - Reinforcement responsibilities.			
General comment.	GTE	The obligation to serve and other issues raised by WAC 480-120-X05.5 should be dealt with dockets listed. Rule should not be considered, if at all, until Dockets UT-991930, UT-991931, UT-993000, UT-990301 are concluded.	Staff disagrees with GTE's comment this is not addressing obligation to serve. This rule addresses a company's responsibility to provide facilities where it already serves.
Section (1) Companies are responsible for all work, materials, and costs associated with reinforcing facilities up to an applicant's for service or customer's property line where service has previously been provided by the company.	Sprint	The first sentence would be much clearer if it read, "Companies are responsible for all work, materials, and costs associated with reinforcing facilities up to the applicant's <u>facilities</u> for service..." There should be a new subsection, " <u>(3) Subsection (2) above shall not be construed to limit any remedy otherwise available.</u> "	Staff disagrees. This proposed language change would change current responsibilities under existing tariffs.

WAC/Issue	Interested Person	Comment	Staff Response
WAC 480-120-X06 Unserved areas.			
General comment.	<p>GTE</p> <p>Sprint</p> <p>U S WEST</p>	<p>The obligation to serve and other issues raised by WAC 480-120-X06 should be dealt with dockets listed. Rule should not be considered, if at all, until Dockets UT-991930, UT-991931, UT-993000, UT-990301 are concluded.</p> <p>If this rule is to be proposed at all, it should be moved to a separate rulemaking - or possibly to the line extension docket recently opened. It is far too complex an issue to be addressed as part of this rulemaking.</p> <p>Strike this proposed new rule as it is unnecessary. This rule would limit a company's ability to disconnect service in the face of a delinquent balance remaining for a customer. This would be a new and inappropriate requirement and may require an SBEIS. Companies should not have to re-establish service if a delinquent balance is owed. This rule is over-burdensome and unnecessary in today's environment.</p>	Staff will discuss this at the 4/18 stakeholder workshop.
WAC 480-120-X06 Unserved areas.			
Section (2) Any community or portion thereof may request, in the form of a letter or petition, that the Commission designate a local exchange service company to provide local exchange service.	Public Counsel	Clarify on the use of the term "portion" in (2). It is unclear whether, for example, a request from a single customer would be sufficient to trigger the rule.	Staff will discuss this at the 4/18 stakeholder workshop.

WAC/Issue	Interested Person	Comment	Staff Response
WAC 480-120-X08 Service Quality Guarantees.			
General comment.	<p>ATT/MCI</p> <p>NEXTLINK</p> <p>Public Counsel</p> <p>WITA</p>	<p>CLECs cannot satisfy many of these standards if the incumbents do not meet or exceed these standards for the facilities provided to competitors.</p> <p>This rule need only apply to ILECs because competitors must meet or exceed whatever service quality the incumbents provide. Application of rule to CLECs would only increase ILECs' anticompetitive opportunities, because not only will customers blame the CLECs for the delay caused by an ILEC, but CLECs would be required to provide bill credits or substitute services to customers without having any recourse against the ILEC causing the delay.</p> <p>PC supports the inclusion of service quality guarantees in the rules. Under current rules, widespread substandard service does not in general result in specific remedies or compensation to individual customers for problems (unless pursuant to Commission order). This approach both provides such a remedy and provides an additional incentive to the company to adhere to requirements.</p> <p>WITA comments to be submitted.</p>	<p>Customers expect CLECs to provide the same level of service as ILECs (or better) and want some guarantees. CLECs should have recourse against ILECs when ILEC behavior results in CLEC liability.</p> <p>This proposed new rule extends uniform guarantees to all customers in the state. It codifies into rule the existing service guarantees in US WEST tariff.</p>

WAC/Issue	Interested Person	Comment	Staff Response
WAC 480-120-X08 Service Quality Guarantees.			
General comment.	TRA	<p>This requirement holds CLECs who rely on the ILECs or others for provisioning unilaterally responsible for the actions of underlying carriers over which these CLECs exert little, if any, control. It is inequitable to hold service providers who do not maintain full control of the provisioning process liable for penalties arising from a failure to meet wholesale service obligations, including provisioning timeliness, through no fault of their own. TRA does not agree that this issue is addressed through the relationship between the underlying carrier and retail service provider, particularly with the advent of financial penalties looming in X08. Despite any potential interconnection agreement provisions regarding service quality that might exist, CLECs could find themselves subject to Commission penalties on the one hand, and an underlying carrier who caused provisioning delays yet refused to indemnify the retail CLEC, on the other. A retail carrier who is at the complete mercy of an underlying carrier for provisioning should not be penalized for the underlying carrier's non-performance nor expected to expand resources to collect penalties from reluctant underlying carriers if penalized. Full responsibility for provisioning timeliness should be borne by the entity who ultimately controls the network and provisioning process.</p>	<p>The concern may be better addressed in the carrier to carrier rulemaking.</p>

WAC/Issue	Interested Person	Comment	Staff Response
WAC 480-120-X16 Service interruptions.			
General comment.	GTE	This rule should not be adopted. There is no current, demonstrable need for this rule.	
WAC 480-120-X17 Emergency operation.			
General comment.	GTE	This rule should not be adopted. There is no current, demonstrable need for this rule.	Staff disagrees. Staff believes there is a need for the proposed rule and will discuss these reasons at the 4/18 stakeholder workshop.